

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16121 of 2011

=====

DR.UMA SHANKAR SINGH S/O Late Satya Narayan Singh At Presnet
Working As Assistant Professor, Department Of Surgery, Patna Medical
College And Hospital, Patna

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Department Of Health,
Government Of Bihar, New Secretariat, Patna
2. The Additional Secretary, Department Of Health Govt. Of Bihar, New
Secretariat, Patna
3. Dr. Mahesh Choudhary Working As Assistant Professor, A.N.M.C.H., Gaya
4. Dr. Udai Kant, Working As Assistant Professor, D.M.C.H., Darbhanga
5. Dr. Rakesh Kumar, Working As Assistant Professor, P.M.C.H., Patna

... .. Respondents

=====

Appearance :

For the Petitioner	:	None
For the State	:	Ms. Shipla Singh, GA 12 Ms. Abhanjali, AC to GA 12
For Respondents 3 to 5	:	Mr. Sanjeev Kumar Mishra

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

16 16-09-2019 Counsel for the State and the private respondents are
present. None appears on behalf of the petitioner.

The writ petition was originally filed seeking direction for
restraining the authorities from issuing promotional orders in respect
of respondent Nos. 3 to 5 against the vacant post of Associate
Professor, General Surgery. Claim has been made by the petitioner
alleging that he is superior/senior to the three private respondents.

The stand of the State as per submission of the State
Counsel, which is reflected in the counter affidavit and the
supplementary counter affidavit filed in the instant proceedings, is



that private respondent No. 3 as per gradation list dated 8.7.2008 is senior to the petitioner. Respondent Nos. 4 and 5 have been granted their promotion by virtue of their status as members of the scheduled caste with whom the petitioner, being a general category candidate, cannot claim parity as promotion to private respondent Nos. 4 and 5 is on roster point meant for promotion for scheduled caste persons.

It is also submitted that gradation list of the petitioner and the respondents in the list of Senior Resident was the subject matter of writ proceedings arising out of CWJC No. 8444 of 2007. It is submitted that till their position in the gradation list is not declared invalid, the petitioner would not be entitled to any promotion over private respondent Nos. 3 to 5. Inversely, it is submitted that for the same reasons he would not be in a position to assail promotion of respondent Nos. 3 to 5.

Since none appears on behalf of the petitioner, without going into merit of the aforesaid submission, the writ petitioner is dismissed for want of prosecution.

(Madhuresh Prasad, J)

SNkumar/-

U			
---	--	--	--

